

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

IN THE MATTER OF THE *EX PARTE*
APPLICATION OF POSTALIS FOR AN ORDER
TO TAKE DISCOVERY PURSUANT TO
28 U.S.C. § 1782

Case No. _____

***EX PARTE* APPLICATION FOR
DISCOVERY PURSUANT
TO 28 U.S.C. 1782**

Upon the Memorandum of Law and the accompanying declarations, Postalis – Instituto de Previdência Complementar - Sob Intervenção (Postalis) respectfully petitions this Court for an order, pursuant to 28 U.S.C. § 1782, authorizing it to serve the subpoena set forth in Exhibit 2 hereto upon The Bank of New York Mellon Corporation (BNY Mellon), a resident of the Southern District of New York, for use in Postalis’s proceedings in Brazil against BNY Mellon’s subsidiaries: BNY Mellon Serviços Financeiros Distribuidora de Títulos e Valores Mobiliários S.A. (BNYM DTVM), BNY Mellon Administração de Ativos Ltda. (BNYM Ativos), and BNY Mellon Alocação de Patrimônio Ltda. (BNYM Patrimônio) (together, BNYM Brazil).

As set forth in greater detail in the accompanying Memorandum of Law, Postalis’s Application satisfies each of the statutory requirements. BNY Mellon is headquartered in the Southern District of New York and “found” here for purposes of Section 1782. The requested discovery is sought “for use” in Brazilian proceedings against BNYM Brazil. And, as the plaintiff in the Brazil proceedings, Postalis is an “interested person.” Further, as shown in the

Memorandum of Law, the discretionary factors identified in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241 (2004) strongly support granting Postalis's Application.

Accordingly, Postalis respectfully requests that the Court grant Postalis's Application and enter the Proposed Order attached hereto as **Exhibit 1**, authorizing it to serve the subpoena attached hereto as **Exhibit 2**.

Dated: New York, New York
October 31, 2018

Respectfully submitted,

s/ Danielle L. Rose
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